

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANGEL FLORES,)	CASE NO. 4:08 CV 2234
)	
Plaintiff,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
JOSEPH E. GUNJA, Warden,)	<u>AND ORDER</u>
)	
Defendant.)	

On September 22, 2008, plaintiff pro se Angel Flores, an inmate at the Northeast Ohio Correctional Center (NOCC), filed this civil rights action against NOCC Warden Joseph E. Gunja. The complaint seeks to challenge plaintiff's loss of 27 days good time as a result of disciplinary action for "engaging in a group demonstration." For the reasons stated below, this action is dismissed.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

Plaintiff is challenging a disciplinary finding and its effect on the duration of his present confinement. When a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475 (1973).

Accordingly, this action is dismissed under 28 U.S.C. § 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/Peter C. Economus - 11/18/08
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE